

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court  
Southern District of Texas  
FILED

FEB - 4 2020

David J. Bradley, Clerk

United States of America )

v. )

Martin CEPEDA )

YOB: 1980 COB: United States )

Case No. M-20-0320-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 01/09/2020 in the county of Starr in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 922(g)(1)  
and 2

The defendant, did aid and abet the knowing and unlawful possession of six thousand rounds of 7.62 x 39mm ammunition that had previously traveled in and affected interstate commerce, to a previously convicted felon.

This criminal complaint is based on these facts:

See Attachment A

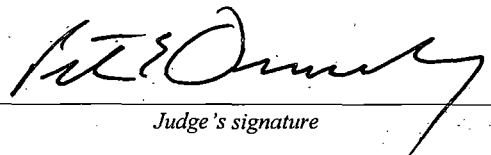
☒ Continued on the attached sheet.Approved for filing  
reproxit 2/4/2020  
Complainant's signature

Joshua Wedesky - ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

Feb. 4, 2020 4:19 pm  
Judge's signature

City and state:

McAllen, Texas

U.S. Magistrate Peter Ormsby

Printed name and title

ATTACHMENT A

I, Special Agent Joshua Wedesky, affiant, do hereby depose and state the following:

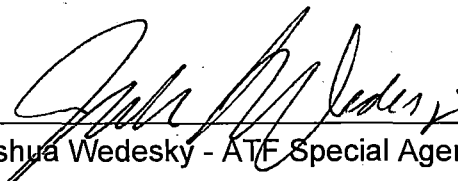
I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since March 2015.

My duties include the investigation of violations of Federal firearms laws. I know it to be unlawful for any person to aid and abet an individual who has been convicted of a crime punishable by more than one year in prison to possess firearms and ammunition that has previously affected interstate or foreign commerce.

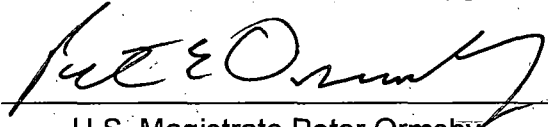
1. On January 9, 2020, Local Law Enforcement Officers interviewed an illegal alien who stated that he was instructed to pick up a load of 6,000 rounds of 7.62 x 39mm ammunition from a business later determined to be a local Federal Firearms Licensee (FFL). A consent search was conducted at the aforementioned FFL and officers discovered 6,000 rounds of 7.62 x 39mm caliber rounds of ammunition that was set to be transferred to the illegal alien. ATF agents arrived on scene and discovered that a convicted felon was working at the FFL. Furthermore, it was discovered that the convicted felon was set to transfer the aforementioned ammunition to the illegal alien. Moreover, it was determined that the convicted felon had transferred ammunition to the illegal alien on previous occasions.

ATTACHMENT A

2. Law enforcement officers proceeded to conduct a custodial interview with the FFL owner Martin Carlos CEPEDA. After being advised of his Miranda Rights, CEPEDA admitted that he employed the convicted felon even though he knew convicted felons were prohibited from possessing firearm and ammunition. In addition, CEPEDA admitted to allowing the convicted felon to make ammunition sales to individuals.
3. During a second non-custodial interview on January 13, 2020, CEPEDA stated that he allowed the convicted felon to coordinate three (3) ammunition deals to the illegal alien and stated that the convicted felon possessed the ammunition while providing the ammunition to the illegal alien.
4. ATF Interstate Nexus Expert Carlos Delgado was contacted for an Interstate Nexus determination on the 6,000 rounds of 7.62 x 39mm ammunition that was possessed by the convicted felon. The ATF Interstate Nexus Expert determined that the ammunition was found to be manufactured outside of the state of Texas and affects interstate or foreign commerce.

  
Joshua Wedesky - ATF Special Agent

Sworn to before me and subscribed in my presence,

  
U.S. Magistrate Peter Ormsby

February 4, 2020